

K Great Brit. Coll.

England. - Parliament [Bills. - II. George II.]

213. v. 2

77



*Read 2 March
1753*

Enacted 26 Geo II Public Acts, c. 56

BILL for Continuing, and giving further Powers to the Trustees for putting in Execution, Two Acts of Parliament, one of the Eleventh Year of the Reign of his late Majesty King George the First, and the other of the Sixth Year of the Reign of his present Majesty, for Repairing the Roads from the Parish of Enfield, in the County of Middlesex, to the Town of Hertford, and to the Great Bridge in Ware, in the County of Hertford; and for Amending the Road from the said Great Bridge to the South End of the Great Bridge at Wadesmill; and from the Great Road at Cheshunt to the West End of Small-Lea-Bridge, in the said County of Hertford.

Whereas by an Act passed in the Eleventh Year of the Reign of his late Majesty King George the First, intituled, *An Act for repairing the Roads therein mentioned, from the Parish of Enfield, in the County of Middlesex, to the Town of Hertford, and to the Great Bridge in Ware, in the County of Hertford*, several Tolls were granted, and made payable, for repairing the said Roads; which said Act was to commence the Third Day of May One thousand Seven hundred and Twenty-five, and from thence to continue in Force for and during the Term of Twenty-one Years:

And whereas by another Act, passed in the Sixth Year of the Reign of his present Majesty King George the Second, intituled, *An Act for making more effectual an Act passed in the Eleventh Year of the Reign of his late Majesty King George the First, for repairing the Roads therein mentioned, from the Parish of Enfield, in the County of Middlesex, to the Town of Hertford, and to the Great Bridge in Ware, in the County of Hertford; and for amending the Road from the said Great Bridge to the South End of the Great Bridge at Wadesmill, and from the Great Road at Cheshunt to the West End of Small-Lea-Bridge, in the said County of Hertford*; it was Enacted, That the said Act, made in the Eleventh Year of the Reign of his said late Majesty, and all and every the Powers, Authorities, Articles, Rules, Penalties, and Clauses, therein contained (except so much as are thereby altered), should be in full Force and Effect, and should

A

continue,

continue, and be executed, from and after the Expiration of the said Term Twenty-one Years, for and during the further Term of Seven Years, and from thence to the End of the then next Session of Parliament, for the Intendment and Purposes in the said Act mentioned; and that the said Act, and all the Powers and Authorities therein and thereby granted and given, should, from and after the Third Day of *May* One thousand Seven hundred and Thirtynine, extend to the repairing and amending, and keeping in Repair, the said Road leading from the *Great Bridge* at *Ware* to the South End of the *Great Bridge* at *Wadesmill*, in the Parish of *Thundridge*, in the County of *Hertford*; and also the Road leading from *Waltham Cross*, in the Parish of *Cheshunt*, to the West End of *Small-Lea-Bridge*, in the Parish of *Cheshunt*, in the said County, as if the same Powers and Authorities granted and given by the said Act were therein again repeated and re-enacted in the Body thereof:

And whereas the Trustees appointed to put the said Acts in Execution have borrowed the Sum of One thousand Pounds on the Credit thereof (which is still unpaid), and have applied the same, together with the Tolls collected by virtue of the said Acts, in amending the said Roads:

And although great Progress hath been made in Repairing thereof the same are not sufficiently amended; nor can the same be effectually repaired, and the said Money repaid, unless, the Terms and Powers granted by the said Acts be further continued, and the said Acts made more effectual:

To the End therefore that the Repairs of the Roads aforesaid may be carried on and completed, and the Money borrowed upon the Credit of the said Acts be repaid;

May it please Your MAJESTY,

That it may be **Enacted**; **And be it Enacted**, by the KING's most Excellent MAJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Acts passed in the Eleventh Year of his said late Majesty's Reign, and in the Sixth Year of his present Majesty's Reign, and all the Matters, Powers, Authorities, Articles, Rules, and Clauses, in the said Acts, or either of them, contained (except what are by the said former Acts, or hereby, altered or varied) shall be in full Force and Effect, and shall continue, and be executed from the Expiration of the Terms by the said Acts, or either of them granted, for the further Term of _____ and from thence to the End of the then next Session of Parliament, as fully and effectually as if the same were particularly repeated, re-enacted, and set forth, in the present Act.

Appointment
of new Trustees.

And be it Enacted, by the Authority aforesaid, That

shall, _____ be, and they are hereby nominated, constituted, and appointed, Trustees for putting the said former

former Acts, and this present Act, in Execution, and all the Powers and Authorities therein and herein contained; but that if any Trustee appointed, or to be appointed, shall accept of any Place of Profit arising out of, or by virtue of, the Tolls by the said before-mentioned Acts granted, or made payable, every such Person shall be incapable of acting as a Trustee during his Enjoyment of such Place.

And be it further Enacted, by the Authority aforesaid, That the Treasurer or Treasurers appointed, or to be appointed, in the Execution of the said former Acts, or this present Act, shall, before he or they shall further act in, or enter upon, the said Office, give such Security for the due Execution thereof, to the said Trustees, or any or more of them, as to the said Trustees, or any or more of them, shall seem meet.

And be it further Enacted, by the Authority aforesaid, That the Right and Property of all the Gates, Turnpikes, and Toll-houses, and also Machines or Engines for Weighing of Carriages, with their Loading, which now are erected and built, and shall be erected or built, by virtue of the said Two before-mentioned Acts, or either of them, or by virtue of any Act of Parliament made for Erecting of Machines or Engines for Weighing of Carriages, with their Loading, and of the Materials for building the same, and for repairing the said Roads, shall be vested in the Trustees appointed, or to be appointed, by or in pursuance of this Act: And they, or any or more of them, are hereby empowered to dispose thereof as they shall think proper; and to bring Actions in the Names of any or more of them, or in the Name or Names of their Clerk or Treasurer for the Time being, or to prefer Bills of Indictment, against any Person or Persons who shall disturb them in the Possession of the Property thereof.

And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Surveyor or Surveyors of the Highways of any of the Parishes, Hamlets, or Liberties, through which the said Roads do lead (by and with the Consent of the Inhabitants of such Parishes, Hamlets, or Liberties, first had at any Vestry, or other publick Meeting, of such Inhabitants) to compound by the Year, or otherwise, with the Trustees, or any or more of them, for or in lieu of the Statute-work, to be performed by the Inhabitants of any such Parishes, Hamlets, or Liberties, upon any Part of the said Roads: And if such, or any future, Surveyor or Surveyors, shall pay such Composition-money, or the same shall be levied on him or them, he or they shall be reimbursed the Monies so by him or them paid, or levied on him or them, in such manner as Surveyors of the Highways are by the Laws now in being, to be reimbursed the Monies by them expended in buying Materials for repairing the Highways; and in case such Composition-money shall not be paid to the said Trustees, or any or more of them, or to such Person as they shall appoint to receive the same, within after the same shall be demanded, it shall and may be lawful to and for any One or more Justice or Justices of the Peace, for the County of *Hertford* (upon Oath, made before him or them, of such Default), and he and they are hereby required to issue a Warrant, under his Hand and Seal, or under their Hands and Seals, empowering such Person, so by the said Trustees, or any or more of them, appointed to receive such Composition-money, to

Property of
Toll-gates
vested in
Trustees.

Parish-Surveyors to
compound for
Statute-work.

Justices to
levy such
Composition,
if not paid
within
Days after
Demand.

and such Goods and Chattels so
(such Composition-money, and the reasonable
Charges of not being paid) to
returning the Overplus, if any be, to the Owner or Owners thereof, upon
Demand, after the said Composition-money, and the reasonable Charges of
the same, shall be deducted and paid,
which Composition-mones shall be applied towards amending the said Roads,
and to no other Use or Purpose whatsoever.

Road to be
measured,
and Mile-
stones erected.

Penalty for
defacing
them.

Comitment
for want of
Distress.

Surveyors
may remove
Annoyances.

And be it further Enacted, That the said Trustees, or any
or more of them, shall direct, and they are hereby required to cause the
said Roads to be measured, and Stones or Posts to be set up, in or near the
Sides of the said Roads, at the Distance of from each other,
denoting the Distance of every such Stone or Post from *London*, or any other
Place, as to such Trustees shall seem meet; and if any Person shall wil-
fully and maliciously break or pull up any of such Stones or Posts, or any
Part thereof, which shall be so erected, or shall obliterate or deface any
of the Letters, Figures, or Marks, which shall be inscribed thereon, every
such Person shall for every such Offence, to be
of the Goods and Chattels of such Offender,
as the are herein after directed to be
and shall be applied in repairing such Stones or Posts, or in
supplying of new ones in their stead; and if there shall be any Overplus,
the same shall be laid out in repairing the Roads aforesaid: And in case
such Offender shall have no Goods or Chattels, then it shall and may be
lawful for the said Trustees, or any or more of them, or any One
or more of his Majesty's Justice or Justices of the Peace for the said County,
by Warrant under their Hand and Seal, or Hands and Seals respectively, to
such Offender to within the said County
as is nearest the said Roads, for the Space of

And be it further Enacted, by the Authority aforesaid, That it shall
and may be lawful to and for the Surveyor or Surveyors, appointed or to
be appointed, for repairing the said Roads, or such Person or Persons as he
or they shall appoint, from time to time, to remove and prevent all and all
manner of Annoyances, on any Part of the said Roads, by Filth, Dung,
Ashes, Cinders, Rubbish, Sudds, or foul Water, cast or thrown thereon,
by any Person or Persons whomsoever, or by any Person or Persons suffering
any of his or their Sink or Sinks, Drain or Drains, to run into or upon any
Part of the said Highways or Roads; and also to open, scour, and cleanse,
any Watercourses or Ditches adjoining to any Part of the said Roads, and
make the same as deep and as large as he or they shall think necessary; and
in case any Person or Persons whosoever shall make or do, or cause or oc-
casion to be made or done, any of the said Annoyances, on any Part of
the said Highways or Roads, and shall have Notice given him,
her, or them, by the said Surveyor or Surveyors, in Writing under his or
their Hand or Hands, to remove the same; then, if such Person or Persons
shall neglect or refuse so to do, for the Space of and the said
Surveyor or Surveyors, or any Person or Persons, by their, or One of their
Direction,

direction, shall afterwards remove any of the said Annoyances, such Person or Persons, so neglecting or refusing to do the same, shall, within after Notice given him, her, or them, of such Removal thereof, reimburse the said Surveyor or Surveyors, all such Charges and Expences as or they shall have sustained, or been put unto, in the removing of the said Annoyances, or any of them: And if such Person or Persons shall refuse or neglect to reimburse such Surveyor or Surveyors all such Charges and Expences as aforesaid, it shall and may be lawful to and for any more of the Justices of the Peace of the said County of *Hertford*, on the Oath or Oaths of the said Surveyor or Surveyors, or any other Person or Persons, to convict him, her, or them, so refusing or neglecting, as aforesaid, of the said Offence or Offences; and also to ascertain the said Charges and Expences of the said Surveyor or Surveyors (which Oath or Oaths the said Justice or Justices are hereby empowered to administer); and such Sum or Sums of Money as the said Charges and Expences of the said Surveyor or Surveyors, in removing the said Annoyances, or any of them, as shall be ascertained by the said Justice or Justices, shall, immediately thereupon, be

and if, after Removal of any of the said Annoyances, any of the said Person or Persons shall again offend in the like kind, every such Person or Persons, so offending, and being thereof convicted, upon the Oath or Oaths of any Person or Persons, before One or more Justice or Justices of the Peace for the said County (who is and are hereby empowered to administer such Oath or Oaths), shall, for every such Offence into the said Trustees, or to their Treasurer for the Time being, the Sum

Provided always, and be it Enacted, by the Authority aforesaid, ^{Persons aggrieved to appeal to the Quarter-Session.} that in case any Person or Persons shall think him or themselves aggrieved by any thing done in pursuance of this Act (for which no other Remedy or Method of Relief has been already hereby given, directed, or appointed), it shall and may be lawful to and for him or them to appeal to the Justices of the Peace at their next General Quarter-Sessions to be held in and for the said County of *Hertford*; or, in case the said Cause of Complaint shall arise within the next before such General Quarter-Sessions of the Peace, then such Appeal may be to the said Justices at their Second General Quarter-Sessions of the Peace to be held for the said County; who are hereby authorized and required to take Cognizance thereof, to hear and determine the Complaint or Complaints of any Person or Persons so aggrieved in a summary Way; and, if they shall see Cause, shall and may, by Order of such Session, mitigate, at their Discretion, all or any Part of the said or vacate and set aside the said Conviction or Convictions, and set the Parties at Liberty, or otherwise may ratify and confirm the same, with such Costs, as to them shall seem reasonable; and to make such Orders, and Adjudication and Judgment, in regard to the Premises, as they shall think right and reasonable.

And it is hereby further Enacted, by the Authority aforesaid, ^{Drains, &c. declared common Nuisances.} That all and every the said Annoyances occasioned by all and every the Ways and Means aforesaid, and particularly all Drains and Sinks running into or upon any

any Part of the said Highways and Roads, are hereby deemed and declared to be common Nuisances; any Law, Prescription, Usage, or Custom, to the contrary thereof in any-wise notwithstanding.

Trustees, &c.
to order In-
dictments to
be preferred.

And it is hereby further Enacted, by the Authority aforesaid, That the said Trustees, or any or more of them, at any of their General Meetings, may, from time to time, if they see fit, direct a Bill or Bills of Indictment to be originally preferred at any General Quarter-Session for the said County of *Hertford*, against any Person or Persons, who shall make or do, or cause or occasion to be made or done, any of the said several Annoyances herein before-mentioned on or upon any Part of the said Highway or Roads.

Provided also, and be it Declared, That no Order made, nor any Proceedings to be had, touching the Conviction of any Offenders against this Act, shall be quashed or vacated for want of Form only; or be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of his Majesty's Courts of Record at *Westminster*, until such Order, or other Proceedings, shall first have been removed to, and Judgment and Determination given and made thereupon by, the General Quarter-Session of the Peace for the said County of *Hertford*.

No Record of
Indictment to
be removed
till after Judg-
ment given at
the Quarter-
Session.

Provided also, and be it Declared, That no Record of Indictment shall be removed by *Certiorari*, or any other Process whatsoever, from the said General Quarter-Sessions into any of his Majesty's Courts of Record at *Westminster*, until Judgment be given thereupon by the said General Quarter-Sessions of the Peace for the said County of *Hertford*.

No *Certio-
rari* to issue
till the Prose-
cutor gives
Security for
Costs.

Provided always, and be it further Enacted, That no Writ of *Certiorari* shall issue, or be issuable, for the removing any Record of Conviction from the said General Quarter-Sessions into any of his Majesty's Courts of Record at *Westminster*, until Security be given by the Prosecutor in the Sum of _____ to prosecute, and pay the Charges to be ascertained by the Court, to which such Proceedings shall be removed, in case such Conviction shall be confirmed.

Qualification
of Trustees.

Provided always, and be it further Enacted, by the Authority aforesaid, That no Person shall, from and after _____ be capable of acting as a Trustee for executing the Powers in the said former Acts, or this present Act, contained, except the _____

unless such Person be seised, or possessed for Life, or some greater Estate, to his own Use, of Lands, Tenements, or Hereditaments, which shall be taxed for _____ per Annum or more, towards raising the Land-Tax for the Year, in which such Person or Persons shall act; or, at the time of acting, be possessed of _____ in Money, or other personal Estate; such real and personal Estate to be clear of all Debts and Incumbrances, to be proved upon the Oath of the Party, if thereunto required by the said Trustees, or any or more of them (which Oath _____ or more of the said Trustees is and are hereby empowered to administer): And if any Person, not being qualified as aforesaid, shall, after the _____ act as a Trustee for the Purposes aforesaid, or shall do any Act as such Trustee, the Person so offending, shall, for every such Offence or Act, severally _____

to such Person or Persons as shall sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of his Majesty's Courts of Record at _____

Majesty's Courts of Record at *Westminster*; wherein no Effoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; One whereof shall go to such Person or Persons who shall sue for the same; and the other shall be laid out and applied for and towards

amending of the Roads directed to be repaired by the said former Acts, and this present Act, and to no other Use or Purpose whatsoever.

And be it further Enacted and Declared, by the Authority aforesaid, That it shall and may be lawful to and for any of the said Trustees appointed, or to be appointed, to put the said former Acts, or this present Act, in Execution, who is, or shall be, in the Commission of the Peace for any of the Counties through which the said Roads do lead, to act as a Justice or Justices of the Peace in all Cases, Matters, and Things, as may be necessary for the more speedy and effectual putting in Execution the several Authorities and Powers in the said former Acts, or this Act, mentioned and contained.

Justices to act as such, although Trustees.

Provided also, and it is hereby Enacted, by the Authority aforesaid, That no Nomination, Appointment, Information, Order, Judgment, Conviction, Warrant, Mortgage, Assignment, Transfer, or other Security, for the borrowing Money, or other Writing whatsoever, under the Hand and Seal, or Hands and Seals, of any of the Trustees for putting this Act in Execution, or any Justice or Justices of the Peace, or only signed by them, or any of them, or exhibited before them, or any of them, respectively, touching, concerning, or in Execution of, any of the Powers or Authorities by this Act vested in such Trustees, or Justices of the Peace, or any of them, shall be charged or chargeable with any Stamp-Duty whatsoever.

All Writings to be without Stamps.

Provided always, and be it Enacted, by the Authority aforesaid, That the Affirmation or Affirmations of the People called *Quakers* shall be allowed of, and taken, in all Cases where any Oath or Oaths is or are directed to be taken by the said former Acts, or this present Act, instead of any such Oath or Oaths; and shall be administered by the same Persons as such Oaths are to be administered: And every Person making such Affirmation, who shall be convicted of wilful and false Affirming, shall incur and suffer as are inflicted and imposed by the Laws and Statutes of this Realm upon Persons convicted of wilful and corrupt Perjury.

Quaker's Affirmation to be taken in lieu of an Oath.

And be it further Enacted, by the Authority aforesaid, That any or more of the Justices of the Peace for the said County of *Hertford*, at any Petty or Special Session of the Peace, shall and may, upon Application made to them by the said Trustees, or any or more of them, adjudge and determine how much, or what Proportion, of the Statute-work (which is appointed by the Laws now in being for amending the Highways) by Teams, shall be done in the said Turnpike-Roads by such Parishes, Hamlets, and Liberties, through which the Roads by the said former Act, and hereby, intended to be repaired, do lead, not exceeding Work for each Team yearly; and to be employed only in the respective Parishes to which such Teams do belong.

Justices to determine what Part of the Statute-work shall be done on the Road.

And, to the end that every Person chargeable by this or any former Law, towards repairing the Highways by Teams, shall and may perform and do their Duty in repairing the Roads, which, by the said former Acts, and this present Act, are intended to be repaired, according to the Determination of the

Parish-Surveyors to give a List of Persons chargeable to do Statute-work.

Justices,

Justices of the Peace in this behalf to be made; **Be it therefore further Enacted**, by the Authority aforesaid, That the Surveyor or Surveyors, for the Time being, of all and every the Parishes, Hamlets, and Liberties, in which the said Roads, intended to be repaired by the said former Acts, and this present Act, do lie, shall, after the yearly and every Year, during the Continuance of the said former Acts, and of this present Act, within

after Request made to him or them by the respective Surveyor or Surveyors appointed, or to be appointed, by virtue of in pursuance of the said former Acts, or this present Act, give and deliver a List, or Lists, in Writing, under his or their Hands, to the Surveyor or Surveyors appointed or to be appointed by virtue of the said former Acts, or this present Act, of the Names of all and every Person and Persons having or keeping any Team or Teams in the said respective Parishes, Hamlets, and Liberties, and of all other Persons liable by Law to do their Duty by Teams within the said Parishes, Hamlets, and Liberties, chargeable towards repairing the Highways; and what Sort of Duty he, she, or they, respectively, is or are liable to do, for and towards the same: And that the said Surveyor or Surveyors of the said Parishes, Hamlets, and Liberties, shall, within

after Notice given by the Surveyor or Surveyors appointed, or to be appointed by virtue of the said former Acts, or this present Act, of the Time when, and the Place where, the Persons, so chargeable as aforesaid, shall do and perform the Work so adjudged by the Justices as aforesaid, in and upon the said Highways, to be repaired by virtue of the said former Acts, and this present Act, either summon or give publick Notice thereof to the Person or Persons so chargeable as aforesaid: And if any Surveyor or Surveyors of the said Parishes, Hamlets, or Liberties, respectively, shall refuse or neglect to deliver such Lists, or to give such Summons or publick Notice, directed as aforesaid, he, she, and they, for every Offence, shall

Penalty on
not giving
such List.

Penalty on
Neglect or
Refusal to do
Statute-work.

And if any Person or Persons keeping a Team, or holding Lands and Tenements, to the Value of a Year, and chargeable towards repairing the Highways aforesaid, shall refuse or neglect to do the Duty and Work determined by the Justices as aforesaid, after such Summons or publick Notice shall be given, he, she, and they, shall respectively

for every Day that every such Person or Persons shall make Default: And if any Person, chargeable toward repairing the Highways of the said Parishes, Hamlets, and Liberties, shall refuse or neglect, after such Summons or publick Notice given as aforesaid, to do and perform the Work or Duty so directed by the Justices of the Peace as aforesaid, he and they respectively shall

for each Day that he or they shall so make Default: And if any such Person or Persons, who shall according to such Summons or publick Notice aforesaid, come to Work as Labourers, or be sent with any Team, Draught, or Cart, to work on the said Road, shall be found idle and negligent by the Turnpike-Surveyor or Surveyors respectively, where the Work is to be done; in such Case, the Turnpike-Surveyor or Surveyors may, and is and are hereby impowered and required to remove and turn him or them off, who shall be found idle and negligent, as aforesaid; and it shall be esteemed and taken as if such Person or Persons had not come or sent any Team, Draught, or Cart, to work on the said Road; and he, she, or they, shall be subject or liable to the

as if he, she, or they, had neglected or refused to do or perform the said respective Days Works, so ordered and appointed as aforesaid: All which said in such manner as the other and shall be applied towards the Repairing of the said Highways and Roads.

And be it also Enacted, That, after the Order or Judgment, made or given by the said Trustees, or any more of them, in and concerning the Execution of the said former Acts, or this present Act, at any publick Meeting, shall be revoked, reversed, or altered, at any subsequent Meeting, unless the Number of Trustees, revoking, reversing, or altering, the same, shall exceed the Number of Trustees by whom such Order or Judgment was made or given; and unless the Person or Persons, applying or appealing for Revoking, Reversing, or Altering, of any such Order or Judgment, shall give Notice in Writing to the Clerk of the said Trustees, to be by him fixed up at the several Gates or Turnpikes

No Order to be reversed but by a superior Number of Trustees.

at least before such Application shall be made, that he or they intend to make such Application.

And be it further Enacted, by the Authority aforesaid, That, in case the Trustees appointed or to be appointed to put the said former Acts, and this present Act in Execution, or any or more of them, shall, at any Time or Times during the Continuance of this Act, think proper to enlarge, widen, turn, or alter, the Way or Path in or out of any Part of the said Roads, hereby directed to be repaired, for the better Accommodation of Coaches, Carriages, and Passengers, that the said Trustees shall have full Power and Authority so to do: And they are hereby authorized, from time to time, to treat, contract, and agree, with the several Owners, Proprietors, and Occupiers of, and Persons interested in, any Lands, Grounds, Tenements, or Hereditaments, lying contiguous or near to the said Roads, for the Purchase of any such Lands or Grounds, Tenements or Hereditaments, or for the Loss or Damage they, or any of them, shall or may any-wise receive or sustain by such widening, enlarging, or turning, such Way or Path; and, out of the Tolls by the said former Acts granted, and hereby continued and made payable, or out of any Money to be borrowed on the Credit thereof, to pay for such Lands and Grounds, and for such Loss and Damage, such Sum or Sums of Money, and so much as shall be agreed upon between such Owners, Occupiers, Proprietors, and Persons, interested therein as aforesaid, and the said Trustees, or any or more of them, to be paid for the Purchase of such Lands and Grounds, Tenements, and Hereditaments, or for such Loss and Damage, with the Costs and Charges attending such Agreement and Purchase; and such Lands and Grounds, Tenements and Hereditaments, when purchased as aforesaid, shall, by the Order and Direction of the said Trustees, or any or more of them, be laid into and made Part of the said Roads, in such manner as the said Trustees, or any or more of them, shall think convenient; and shall by them, or by such Person or Persons as they, or any or more of them, shall order and appoint, be sufficiently drained, ditched, fenced, and set out for that Purpose; and after the said Lands and Grounds, Tenements and Hereditaments, shall be drained, ditched, fenced, and set out, the same shall not, only during the Continuance of the said former Acts, and this present Act, but for ever thereafter,

Trustees may enlarge or alter the Road.

Old Roads to
be sold.

Method of
conveying
the old Road.

Bodies Poli-
tick may
agree for Sa-
tisfaction for
their Grounds.

to all Intents and Purposes, be esteemed and taken to be a common High-
way, and be from thenceforth Part of the said Roads, and shall be amended
and kept in Repair by such Ways, and in such manner, and by such Persons,
as the old or former Roads were or ought to be amended and kept in Repair,
by the said former Acts and this present Act, or any other Laws now in be-
ing: And after such Purchase made, and such new Roads shall be made and
completed, the Lands and Grounds comprized in, or constituting the old or
former Roads, in lieu whereof the Lands or Grounds, Tenements and Here-
ditaments, for such new Roads, shall be purchased and made, as aforesaid,
shall be vested in, and shall and may be sold and disposed of by the said
Trustees, or any or more of them, to such Person or Persons as shall
be willing to become Purchasers thereof, for the best Price that can be rea-
sonably had or gotten for the same; and the Money arising by such Sale,
shall be applied and disposed of for the repairing, amending, and widen-
ing, the Roads by the said former Acts, and this present Act, directed to be
repaired, amended, and widened; and the Sale and Conveyance, or Convey-
ances, to be made of the said Lands and Grounds, comprized in the said old
Roads, being executed by the said Trustees, or any or more of them,
and inrolled with the Clerk of the Peace for the said County of *Hertford*,
shall be good and effectual in the Law, to all Intents and Purposes what-
soever.

And whereas it may happen, that some Persons, or Bodies Politick, Cor-
porate, Collegiate, Feoffees in Trust, or others, are possessed of some Lands,
Grounds, Tenements, or Hereditaments, which, according to the Powers
given by the said former Acts, or this present Act, may, by the said Trustees,
be thought necessary and proper to be taken in and added to the said Roads,
either for widening, enlarging, turning, altering, or amending, the same;
and they may be willing to treat and agree to sell such Lands, Grounds, Te-
nements, and Hereditaments, for the Purposes aforesaid; but are incapable
of selling, granting, or conveying the same, by reason of Infancy, or other
Disability; **Be it therefore Enacted**, by the Authority aforesaid, That it
shall and may be lawful to and for all Bodies Politick, Corporate, or Colle-
giate, Corporations Aggregate or Sole, and all Feoffees in Trust, Execu-
tors, Administrators, Guardians, or other Trustees whatsoever, for or on
behalf of any Infants, Femmes Covert, or Cestuique Trusts, and for all and
every Person or Persons whatsoever, who are or shall be seised, possessed of,
or interested in, any such Lands, Grounds, Tenements or Hereditaments, to
treat, contract, or agree, with the said Trustees, or any or more of
them, for Satisfaction to be made them respectively for such their Lands,
Grounds, Tenements, and Hereditaments, or any Part thereof, or their In-
terest therein for the Purpose aforesaid; and to sell and convey the same, as
Occasion shall be or require; and that all Contracts, Agreements, Sales, and
Conveyances, which shall be so made, shall be valid to all Intents and Pur-
poses, any Law, Statute, or Usage, or any other Matter or Thing whatso-
ever to the contrary thereof, in any-wise notwithstanding; and that all Feof-
fees in Trust, Executors, Administrators, Guardians, and Trustees, Cor-
porations Corporate or Collegiate, Aggregate or Sole, and all other Persons,
are and shall be hereby indemnified for what they shall do, by virtue or
in pursuance, of this Act.

And

And it is hereby further Enacted, That if any such Owner, Proprie-
 Occupier, Body Politick, Corporate, or Collegiate, or other Person or
 sons interested in such Lands, Grounds, Tenements, or Hereditaments, on convenient Notice to them given or left, in Writing, at the Dwelling-
 use, or Place of Abode, of such Person or Persons, or of the Head Officer
 Officers of such Bodies Politick, Corporate, or Collegiate, or at the
 house of the Tenant in Possession of the Lands, Grounds, Tenements, and
 hereditaments, so to be taken in, and added to the said Roads, as aforesaid,
 into which such Way, Path, or Roads, shall be so turned or altered, as
 aforesaid, shall, by the Space of after such Notice given or left,
 aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or
 reason of Absence, shall be prevented from treating; then, and in every
 any such Case, the said Trustees, or any or more of them, shall
 use it to be inquired into, and ascertained by and upon the Oaths of a
 ry of indifferent Men, of one, some, or all of the Parishes,
 hamlets, or Liberties, in which the said Roads lie (which Oath the said
 trustees, or any or more of them, are hereby impowered to admi-
 nister), what Damages such Owners, Occupiers, or Proprietors, or other
 Person or Persons, interested or concerned therein, shall or may suffer or
 sustain, for or by reason of the taking of any such Land, Ground, Tene-
 ments, or Hereditaments, into the said Roads; and what Recompence and
 satisfaction such Owners, Occupiers, Proprietors, or other Person or Per-
 sons, suffering thereby, shall respectively have, by reason or on account
 hereof: And for that Purpose, and in order thereto, the said Trustees, or
 any or more of them, are hereby impowered and required, from
 time to time, as occasion shall be, or require, to summon and call before
 them, all and every Person and Persons whomsoever, who shall be thought
 necessary or proper to be examined, as a Witness or Witnesses, touching or
 concerning the Premises; and shall examine all such Witnesses before the
 said Jury, upon Oath (which Oath the said Trustees, or any or more
 of them, are hereby impowered and required to administer); and they shall
 so order and cause the said Jury to view the Places in question, and to
 use all other lawful Ways and Means, as well for their own as for the said
 Jury's Information in the Premises, as they the said Trustees, or any
 or more of them, shall think fit; and after the said Jury shall have so in-
 quired of, ascertained, and settled, such Damages and Recompence, they
 the said Trustees, or any or more of them, shall thereupon order,
 judge, and determine, the said Sum or Sums of Money so assessed by the
 said Jury, to be paid the said Owners, Occupiers, or Proprietors, of the said
 Land, Grounds, Tenements, and Hereditaments, or other Persons interested
 therein, according to such Verdict or Inquisition of the said Jury; which
 said Verdict or Inquisition, and Judgment, Order, or Determination, so had
 and made, shall be final, binding, and conclusive, to all Intents and Pur-
 poses, against all Parties or Persons whatsoever claiming or in Possession,
 Reversion, Remainder, or otherwise, their Heirs and Successors, as well
 absent as present, Infants, Feme Coverts, and Persons under any other Dis-
 abilities whatsoever, Bodies Politick, Corporate, and Collegiate, as well as all
 other Person and Persons whomsoever; and all and every such Owners,
 Occupiers, and Proprietors, and all and every Person and Persons any-
 ways interested in such Land, Grounds, Tenements, and Hereditaments,
 shall

In case of Re-
 fusel, the
 Trustees may
 settle Da-
 mages by the
 Oaths of a
 Jury.

Trustees may
 summon and
 examine Wit-
 nesses on
 Oath.

Verdict of the
 Jury to be
 binding to all
 Parties.

Sheriff of
Hertfordshire
to summon
the Jury.

shall thereby be from thenceforth, to all Intents and Purposes, divested of all Right, Title, Claim, Interest, or Property, of, in, to, or out of the same: And, for the summoning and returning such Jury or Juries, the said Trustees, or any or more of them, are hereby impowered to issue out their Warrant or Warrants to the Sheriff of the County of *Hertford*, there- by commanding or requiring him to impanel, summon, and return, an in- different Jury of Persons, to appear before the said Trustees, or any or more of them, at such Time and Place as in such War- rant shall be appointed, who is hereby required thereupon to impanel, sum- mon, and return such Persons accordingly; and out of the Persons so impannelled, summoned, and returned, or out of such of them as shall appear according to the said Summons, the said Trustees, or any or more of them, shall swear, or cause to be sworn who shall be the Jury for the Purposes aforesaid; and, in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy or Deputies, shall return other honest and indifferent Men, of the Standers-by, that can be speedily procured, or summoned, to attend that Service, to the Number of

Jurymen may
be challeng-
ed; and
Trustees may
fine the Sher-
riff, &c. for
Default.

Provided always, and it is hereby Declared and Enacted, That all Persons concerned shall, from time to time, and at all times, have their lawful Challenges against any of the Jurymen to be summoned in pursuance of this Act, in such and the like manner as any Party in an Action brought or to be brought, depending or to be depending, in any of his Majesty's Courts of Record at *Westminster* is, or shall be, by Law, intituled to: And the said Trustees, or any or more of them, are hereby impowered, from time to time, to impose any reasonable on such Sheriff, his Deputies or Bailiffs, respectively, who shall make Default in the Premises; as also on any of the Persons who shall be summoned to serve on such Jury, for not appearing; or, after having appeared, for refusing to be sworn on the said Jury; or, after having been sworn, for refusing, or not giving, his or their Verdict of and upon the Matter in question, or the Damages he or they shall be sworn to try, or to inquire of; or in any other manner wil- fully neglecting their Duty therein, contrary to the true Intent and Mean- ing of this Act; and likewise to impose any on any Person or Persons required to give Evidence or Testimony before such Jury, as aforesaid, touching the Premises; or shall refuse to be examined, or to give Evidence or Testimony, touching the same.

Fines not to
exceed
and how to
be levied.

Provided, and it is hereby further Enacted and Declared, That each of the same shall not exceed the Sum of every respective Offence; and that the same when imposed, shall be in such and the like manner, and to and for such and the like Purposes, as any other is by this Act directed to be

Money al-
lowed for
Lands, &c.
taken in, how
to be charged
and tendered.

And be it further Enacted, by the Authority aforesaid, That all and every such Sum and Sums of Money, Consideration, Recompence, or Satisfaction, to be agreed for, ascertained, or assessed, as aforesaid, shall be, and are hereby charged and chargeable upon all Monies which are, or shall be raised, received, or borrowed, for the Purposes of the said former Acts, of this present Act, and shall be paid thereout, accordingly, to the Person respectively intituled thereto, or to their respective Agents; and that, upon Payment or Tender thereof to the said Persons so respectively intituled thereto and

in case of Refusal to accept the same, then, upon leaving the same in Hands of the Treasurer, for the Time being, of the Trustees, for the of such Person or Persons, as the said Trustees, or any or more them, shall appoint the same to be paid unto, and after Notice thereof given to such Person or Persons, it shall and may be lawful the said Trustees, or any or more of them, their Surveyors, Workmen, and Agents, to take into, and add to, the said Roads such said Ground or Land, and to do all and every such Act, Matter, and Thing, in relation to the said Ground or Land so taken into and added, or to be taken into, and added to, the said Roads, and to ditch and fence out the same, as the said Trustees, or any or more of them, shall think fit; and the said Ground or Grounds so taken in, or to be taken in, when the same shall be so ditched and fenced, as aforesaid, shall, to all Intents and Purposes whatsoever, from thenceforth, become and be, and shall be deemed and taken to be, a publick and common Highway, and be from thenceforth Part of the said Roads, not only during the Continuance of the said former Acts, and this present Act, but for ever after; and shall be repaired, and kept in Repair, by such Ways and Methods, and in all respects in such manner, as other Highways and Roads are by Law to be repaired, and kept in Repair.

Provided always, and it is hereby Declared and Enacted, That the Power and Authority hereby given to the said Trustees, as aforesaid, for widening, enlarging, turning, or altering, the said Roads, shall not extend to the taking in, or pulling down, any Dwelling-house; or to take away the Ground whereon any Dwelling-house shall stand; or the Ground of any Garden, Orchard, Yard, Court, Park, Paddock, or Avenue to an house; any thing in the said former Acts, or this present Act, contained to the contrary notwithstanding.

Trustees not to pull down Dwelling-houses.

Provided always, That no Person or Persons shall fit or act as a Trustee or Trustees, in any Case relating to the contracting for, or purchasing of, any Lands or Premises so to be taken into the said Roads, where he or they are concerned in Interest.

Persons interested not to act as Trustees.

And, for continuing a sufficient Number of Trustees to put the said former Acts, and this present Act, in Execution, **Be it further Enacted,** by the Authority aforesaid, That when any Trustee or Trustees shall die, remove, or refuse to act, it shall and may be lawful to and for the surviving or remaining Trustees, or any or more of them, by any Writing or Writings under their Hands, from time to time, during the Continuance of the said former Acts, and this present Act, to nominate, elect, and appoint, One or more fit Person or Persons, living in the said County of Hertford, in the room of such Trustee or Trustees so dying, removing, or refusing to act; and such Person or Persons, so nominated, elected, and appointed, shall be joined with such surviving or remaining Trustees: But Notice of the Time and Place of meeting for the Election appointed of such new Trustee or Trustees shall be given by the Clerk of the said Trustees, in Writing, to be fixed on, at, or near, the Toll-gates erected, or to be erected, by virtue of the said former Acts, or this present Act, at least before the Meeting for such Election; otherwise the Election of such new Trustee or Trustees shall be null and void: And all and every such Person and Persons as shall be chosen and appointed to be joined with such surviving or remaining Trustees, in manner aforesaid, shall and may, and

On the Death of Trustees, others to be chosen, upon Days Notice given at the Toll-gates.

and he and they are hereby authorized and empowered to act to all Intents and Purposes, in as full, large, and ample manner, as the said Trustees appointed by the said former Acts, and this present Act, are hereby authorized and empowered to act and do.

Proceedings
to be entered
in a Book.

And be it Enacted, by the Authority aforesaid, That all Orders and Proceedings of the Trustees shall be entered in a Book or Books to be kept for that Purpose; and such Orders, so entered, shall be signed by the Clerk or Clerks to the Trustees; and such Orders shall be deemed and taken to be original Orders, as if the same were under the Hands of or more of the said Trustees: Which said Book or Books, and also the Book herein after directed to be kept for registering Assignments, Transfers, or Mortgages, shall and may be produced, and read in Evidence, in all Cases of Appeals in Suits of Actions, touching any thing to be done in pursuance of the said former Acts.

Mortgages,
&c. to be
entered in a
Book,

And be it further Enacted, by the Authority aforesaid, That all and every the Mortgage or Mortgages, Assignment and Assignments, to be made by the said Trustees, for securing such Sum or Sums of Money as shall be borrowed, by the said Trustees, on the Credit of the Tolls to be collected by virtue of the said former Acts, and this present Act, shall be copied or entered at Length in a Book or Books, to be kept for that Purpose, by the said Clerk or Clerks, Treasurer or Treasurers, to the said Trustees: Which said Book or Books shall and may be seen and perused, at seasonable Times, by any Person or Persons whomsoever, without Fee or Reward.

Assignments
may be trans-
ferred toties
quoties; and
the Manner of
doing so.

And it is also further Enacted, by the Authority aforesaid, That all and every Person and Persons to whom any Mortgage or Mortgages, Assignment or Assignments, shall be made by the said Trustees, or any or more of them, as a Security for any Sum or Sums of Money by him, her, or them, lent and advanced on the Credit, and for the Purposes mentioned in the said former Acts, or this present Act, or who shall be intitled to the Money thereby secured, shall and may, from time to time, by proper Words of Assignment, to be indorsed on his, her, or their Security or Securities, or by any other Deed or Deeds, Writing or Writings, under his, her, or their Hands and Seals, to be duly executed in the Presence of or more credible Witnesses, assign and transfer the same Security or Securities, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest, to the Principal and Interest Money thereby secured, or any Part thereof, to any other Person or Persons whomsoever; which said Transfer or Assignment shall be produced or notified to the said Clerk or Clerks, Treasurer or Treasurers, appointed or to be appointed by the said Trustees, or any or more of them, within after the Date thereof; who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Date, Parties, and Sum of Money therein mentioned to be transferred, in the said Book to be kept for Entering of the said original Assignments; for which the said Clerk or Clerks shall be paid the Sum of and no more: And, after such Entry made, such Assignment shall intitle such Assignee, his, her, and their Executors, Administrators, and Assigns, to the Benefit thereof, and Payment thereon and such Assignee may, in the like manner, assign the same again, and toties quoties; and it shall not be in the Power of such Person or Person

no shall make such Assignment, to make void, release, or discharge the
me, or any Monies thereby due, or any Part thereof.

And be it further Enacted, by the Authority aforesaid, That all ^{Penalties and Forfeitures, how to be recovered, and applied.} by the said former Acts, or this present Act, imposed or
curring (touching which no other Provision is by the said former Acts, or
is present Act, made) shall be by of the Offenders
Goods and Chattels, by Warrant or Warrants, under the Hands and Seals
or more of his Majesty's Justice or Justices of the Peace for the
County of *Hertford* (which Warrant or Warrants the said Justices are
hereby empowered and required to issue upon the Information of or
more credible Witness or Witnesses, on Oath (which Oath the said Justices
are hereby empowered and required to administer without Fee or Reward);
and the after rendering the Overplus (if any be, upon
Demand) to the Party or Parties whose Goods or Chattels shall be so
(the Charges of such being first de-
ducted) shall go, and be applied and laid out (if not otherwise disposed of
by the said former Acts, or this present Act), for and towards amending the
Roads by the said former Acts, and this present Act, directed to be amended
and repaired.

Provided always, and be it further Enacted, by the Authority ^{Limitation of Actions.} That if any Action or Suit shall be brought, commenced, or pro-
secuted, against any Person or Persons for any thing done, or to be done,
in pursuance of the said former Acts, or this present Act, every such Action
or Suit shall be commenced within Months next after the Fact
committed, and not afterwards; and shall be laid and brought in the County
of *Hertford*, and not elsewhere: And the Defendant or Defendants, in
such Action or Suit to be brought, shall and may plead the General Issue, ^{General Issue.}
Not Guilty, and give the said former Acts, and this present Act, and the
Special Matter, in Evidence, at any Tryal to be had thereupon; and that
the same was done in Pursuance of the said former Acts, or this present Act:
And if the same shall appear to have been so done, or if any such Action or
Suit shall be brought after the Time before limited for bringing the same,
or shall be brought in any other County or Place, then, and in such Case
or Cases, the Jury shall find for the Defendant or Defendants: And if the
Plaintiff or Plaintiffs shall become Nonsuited, or suffer a Discontinuance of
his, her, or their Action or Actions, after the Defendant or Defendants shall
have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs;
or if, upon Demurrer, Judgment shall be given against the Plaintiff or
Plaintiffs, the Defendant or Defendants shall have ^{Costs.} Costs, upon Affi-
davit made, or the Certificate of the Judge or Judges before whom such
Cause shall be tried, whereby it may appear, that such Suit was prosecuted
against such Defendant or Defendants, for Matters contained in the said
former Acts, or this present Act; and shall have such Remedy for the same,
as any Defendant or Defendants hath or have for Costs of Suit in any other
Cases, by Law.

And be it further Enacted, by the Authority aforesaid, That this Act ^{Publick Act.}
shall be deemed, adjudged, and taken, to be a Publick Act; and shall be ju-
dicially taken notice of as such, by all Judges, Justices, and other Persons
whatsoever, without specially pleading the same.

Sheet III
in the County of Hertford
County of Hertford
Mortgage
of the County of Hertford
for further Powers to the Trustees for
putting in Execution, Two Acts
of Parliament, one of the Ele-
venth Year of the Reign of his late
Majesty King George the First,
and the other of the Sixth Year of
the Reign of his present Majesty,
for Repairing the Roads from the
Parish of Enfield, in the County of
Middlesex, to the Town of Hert-
ford, and to the Great Bridge in
Ware, in the County of Hertford;
and for Amending the Road from
the said Great Bridge to the South
End of the Great Bridge at
Wadsmill; and from the Great
Road at Cheshunt to the West
End of Small-Lea-Bridge, in the
said County of Hertford.

